



General Assembly

February Session, 2004

***Amendment***

LCO No. 4581

**\*HB0535504581HR0\***

Offered by:

REP. BOUCHER, 143<sup>rd</sup> Dist.

To: Subst. House Bill No. 5355

File No. 292

Cal. No. 210

(As Amended)

***"AN ACT CONCERNING THE MEDICAL USE OF MARIJUANA."***

1 Strike sections 1 and 2 in their entirety and substitute the following  
2 in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2004*) As used in sections 1 to  
4 9, inclusive, of this act, unless the context otherwise requires:

5 (1) "Marijuana" has the same meaning as provided in section 21a-  
6 240 of the general statutes, as amended;

7 (2) "Medical use" means the acquisition and distribution, possession,  
8 cultivation, use or transportation of marijuana or paraphernalia  
9 relating to marijuana to alleviate the symptoms or effects of a  
10 qualifying patient's symptoms, but does not include any such use of  
11 marijuana by any person other than the qualifying patient. For the  
12 purposes of this subdivision, "acquisition and distribution" means the  
13 transfer of marijuana and paraphernalia relating to marijuana from the

14 primary caregiver to the qualifying patient;

15 (3) "Physician" means a person who is licensed under the provisions  
16 of chapter 370 of the general statutes, but does not include a physician  
17 assistant, as defined in section 20-12a of the general statutes;

18 (4) "Primary caregiver" means a person, other than the qualifying  
19 patient and the qualifying patient's physician, who is eighteen years of  
20 age or older and has agreed to undertake responsibility for managing  
21 the well-being of the qualifying patient with respect to the medical use  
22 of marijuana, provided, in the case of a qualifying patient lacking legal  
23 capacity, such person shall be a parent, guardian or person having  
24 legal custody of such qualifying patient;

25 (5) "Qualifying patient" means a person who is eighteen years of age  
26 or older and has been diagnosed by a physician as having a terminal  
27 medical condition;

28 (6) "Terminal medical condition" means in the final stage of an  
29 incurable or irreversible medical condition which will result in death  
30 within a relatively short time, in the opinion of the attending  
31 physician;

32 (7) "Usable marijuana" means the dried leaves and flowers of the  
33 marijuana plant, and any mixtures or preparations thereof, that are  
34 appropriate for the medical use of marijuana, but does not include the  
35 seeds, stalks and roots of the plant; and

36 (8) "Written certification" means a statement signed by the  
37 qualifying patient's physician stating that, in the physician's  
38 professional opinion, the qualifying patient has a terminal medical  
39 condition and the potential benefits of the medical use of marijuana  
40 would likely outweigh the health risks of such use to the qualifying  
41 patient.

42 Sec. 2. (NEW) (*Effective October 1, 2004*) (a) A qualifying patient shall  
43 not be subject to arrest or prosecution, penalized in any manner,

44 including, but not limited to, being subject to any civil penalty, or  
45 denied any right or privilege, including, but not limited to, being  
46 subject to any disciplinary action by a professional licensing board, for  
47 the medical use of marijuana if:

48 (1) The qualifying patient has been diagnosed by a physician as  
49 having a terminal medical condition;

50 (2) The qualifying patient's physician has issued a written  
51 certification to the qualifying patient for the medical use of marijuana  
52 after the physician has prescribed, or determined it is not in the best  
53 interest of the patient to prescribe, prescription drugs to address the  
54 symptoms for which the certification is being issued;

55 (3) The amount of marijuana jointly possessed by the qualifying  
56 patient and the primary caregiver for medical use does not exceed five  
57 marijuana plants and one ounce of usable marijuana; and

58 (4) The cultivation of such marijuana occurs in a secure indoor  
59 facility.

60 (b) Subsection (a) of this section does not apply to:

61 (1) Any medical use of marijuana that endangers the health or well-  
62 being of another person; and

63 (2) The medical use of marijuana (A) in a motor bus or a school bus,  
64 as defined respectively in section 14-1 of the general statutes, as  
65 amended, or in any moving vehicle, (B) in the workplace, (C) on any  
66 school grounds, (D) at any public park, public beach, public recreation  
67 center or youth center or any other place open to the public, or (E) in  
68 the presence of a person under the age of eighteen. For the purposes of  
69 this subdivision, "presence" means within the direct line of sight of the  
70 medical use of marijuana or exposure to second-hand marijuana  
71 smoke, or both.

72 (c) A qualifying patient shall have not more than one primary  
73 caregiver at any time. A primary caregiver may not be responsible for

74 the care of more than one qualifying patient at any time. A primary  
75 caregiver who is registered in accordance with subsection (a) of section  
76 3 of this act shall not be subject to arrest or prosecution, penalized in  
77 any manner, including, but not limited to, being subject to any civil  
78 penalty, or denied any right or privilege, including, but not limited to,  
79 being subject to any disciplinary action by a professional licensing  
80 board, for the acquisition, distribution, possession, cultivation or  
81 transportation of marijuana or paraphernalia related to marijuana on  
82 behalf of a qualifying patient, provided the amount of any marijuana  
83 so acquired, distributed, possessed, cultivated or transported, together  
84 with the amount of marijuana jointly possessed by the qualifying  
85 patient and the primary caregiver, shall not exceed five marijuana  
86 plants and one ounce of usable marijuana. For the purposes of this  
87 subsection, "distribution" or "distributed" means the transfer of  
88 marijuana and paraphernalia related to marijuana from the primary  
89 caregiver to the qualifying patient.

90 (d) Any written certification for the medical use of marijuana issued  
91 by a physician under this section shall be valid for a period not to  
92 exceed one year from the date such written certification is signed by  
93 the physician."

94 Strike section 7 in its entirety and substitute the following in lieu  
95 thereof:

96 "Sec. 7. (NEW) (*Effective October 1, 2004*) A physician shall not be  
97 subject to arrest or prosecution, penalized in any manner, including,  
98 but not limited to, being subject to any civil penalty, or denied any  
99 right or privilege, including, but not limited to, being subject to any  
100 disciplinary action by the Connecticut Medical Examining Board or  
101 other professional licensing board, for providing a written certification  
102 for the medical use of marijuana if:

103 (1) The physician has diagnosed the qualifying patient as having a  
104 terminal medical condition;

105 (2) The physician has explained the potential risks and benefits of

106 the medical use of marijuana to the qualifying patient and, if the  
107 qualifying patient lacks legal capacity, to a parent, guardian or person  
108 having legal custody of the qualifying patient; and

109 (3) The written certification issued by the physician is based upon  
110 the physician's professional opinion after having completed a full  
111 assessment of the qualifying patient's medical history and current  
112 medical condition made in the course of a bona fide physician-patient  
113 relationship."